

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

MARKHAM CONCEPTS, INC.; SUSAN GARRETSON;
and LORRAINE MARKHAM, individually and
in her capacity as Trustee of the Bill
and Lorraine Markham Exemption Trust
and the Lorraine Markham Family Trust,

Plaintiffs,

v.

HASBRO, INC.; REUBEN KLAMER; DAWN
LINKLETTER GRIFFIN; SHARON LINKLETTER;
MICHAEL LINKLETTER; LAURA LINKLETTER
RICH; DENNIS LINKLETTER; THOMAS FEIMAN,
in his capacity as co-trustee of the
Irvin S. and Ida Mae Atkins Family
Trust; ROBERT MILLER, in his capacity
as co-trustee of the Irvin S. and Ida
Mae Atkins Family Trust; and MAX
CANDIOTTY, in his capacity as
co-trustee of the Irvin S. and Ida Mae
Atkins Family Trust,

Defendants.

C.A. No. 15-419 WES

ORDER

WILLIAM E. SMITH, Chief Judge.

This case is before the Court on Plaintiffs' Motion to Compel Discovery (ECF No. 129) and Motion for Attorneys' Fees (ECF No. 144).

In the former, Plaintiffs complained that Defendants Dawn Linkletter Griffin, Sharon Linkletter, Michael Linkletter, Laura Linkletter Rich, and Dennis Linkletter (collectively, "Linkletter Defendants") had not timely responded to certain of Plaintiffs'

discovery requests. However, because the Linkletter Defendants answered these requests soon after Plaintiffs' filed their Motion to Compel, Plaintiffs' Motion to Compel Discovery is DENIED as moot.

And because the Linkletter Defendants served their requests prior to conferring pursuant to Rule 26(f) of the Federal Rules of Civil Procedure, and while the Linkletter Defendants' had a motion to dismiss pending, their Motion for Attorneys' Fees is DENIED. See Pierce v. Underwood, 487 U.S. 552, 565 (1988) (noting that imposition of attorneys' fees for resisting discovery request inappropriate where "reasonable people could differ as to the appropriateness of the contested action" (brackets and quotations omitted)).

IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read "WESMITH", written over a horizontal line.

William E. Smith
Chief Judge
Date: December 15, 2017